

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER MILTON WAYNE
BOSARGE,

Plaintiff,

v.

PIERCE COUNTY, *et al.*,

Defendants.

Case No. C24-5159-TSZ-SKV

ORDER STAYING ACTION

This is a civil rights action proceeding under 42 U.S.C. § 1983. The instant action is one of a number of cases filed by present and former Pierce County Jail inmates asserting claims concerning the plumbing and sewage system at the Jail. The Court has appointed counsel in one such case, *Wolfclan v. Washington State DSHS*, C23-5399-TSZ-SKV, which was filed as a proposed class action. Plaintiffs in the *Wolfclan* case are seeking class-wide declaratory and injunctive relief. Plaintiff here is a potential member of the proposed class in *Wolfclan*, though a decision on whether the proposed class will ultimately be certified is not likely to occur before the spring of 2025 at the earliest.

Regardless of whether this action ends up proceeding in whole or in part independently of *Wolfclan*, decisions made in that case are likely to have some impact on the manner in which this case proceeds. Moreover, the discovery currently being collected in the *Wolfclan* case is likely

1 to be relevant to issues raised in this action, particularly that which goes to issues of liability. It
2 is more efficient at this juncture for discovery to proceed in a single case, rather than in each of
3 the individual actions that are currently pending, including the instant action.

4 Accordingly, the Court hereby ORDERS as follows:

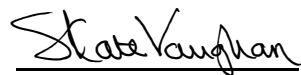
5 (1) The instant action is STAYED. The stay shall remain in effect until further order
6 of the Court. The Clerk is directed to statistically close this case at the present time.

7 (2) The parties are advised that any depositions taken and any written discovery and
8 documents exchanged in *Wolfclan*, which pertain to class-wide liability issues, may be used in
9 this action and will be deemed taken or exchanged for purposes of this action, subject to entry of
10 an appropriate protective order consistent with the Stipulated Protective Order entered in
11 *Wolfclan*, Case No. C23-5399-TSZ-SKV, Dkt. 138. Should Plaintiff's deposition be taken as a
12 part of the *Wolfclan* litigation, that deposition may be used for all purposes in the instant action.

13 (3) Plaintiff's pending motions for separation/severance (Dkt. 12) and for
14 appointment of counsel (Dkt. 13) are DENIED as moot. To the extent Plaintiff seeks to have his
15 case proceed separately from *Wolfclan*, Plaintiff is advised that this case remains a separate
16 action at this juncture, but in the interest of judicial efficiency this action is appropriately stayed
17 while discovery proceeds in *Wolfclan* and class certification issues are addressed therein.

18 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Honorable
19 Thomas S. Zilly.

20 DATED this 18th day of November, 2024.

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23 S. KATE VAUGHAN
United States Magistrate Judge